

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

ARQUELIO RUIZ-RODRÍGUEZ,

Petitioner,

V.

MILDRED MAGE-SOTO and ROBERTO
SÁNCHEZ-RAMOS,

Respondents.

Civil No. 09-1805 (JAF)

ORDER

Petitioner brings this pro-se petition under 28 U.S.C. § 2254 for relief from the judgment of a Commonwealth court, alleging that he is in custody in violation of federal law. (Docket Nos. 2 (complaint); 27 (translation of complaint).) Respondents oppose (Docket No. 14), and Petitioner responds with two informative motions arguing the merits of his claim. (Docket Nos. 18 (first informative motion); 28 (translation of first informative motion); 30 (second informative motion).)

Petitioner twice before has filed petitions in this court under § 2254. (See Civil Nos. 06-1387; 98-1058.) Because the instant is, therefore, a successive petition, Petitioner was required to obtain leave to file same from the First Circuit. See § 2244(b)(3)(A). As nothing on the record suggests that Petitioner obtained any such leave, we find that we lack subject matter jurisdiction over this petition. See, e.g., *Pratt v. United States*, 129 F.3d 54, 57 (1st Cir. 1997).

We, therefore, hereby **GRANT** Respondents' motion to dismiss (Docket No. 14) and **DISMISS** Petitioner's petition (Docket Nos. 2; 27).

IT IS SO ORDERED.

San Juan, Puerto Rico, this 13th day of April, 2010.

S/José Antonio Fusté
JOSE ANTONIO FUSTE
Chief U.S. District Judge